

ROBERT S. ARNS (#65071, rsa@arnslaw.com)
JONATHAN E. DAVIS (#191346, jed@arnslaw.com)
STEVEN R. WEINMANN (#190956, srw@arnslaw.com)

THE ARNS LAW FIRM
515 Folsom Street, 3rd Floor
San Francisco, CA 94105
Tel: (415) 495-7800
Fax: (415) 495-7888

JONATHAN M. JAFFE (# 267012, jmj@jaffe-law.com)
JONATHAN JAFFE LAW
3055 Hillegass Avenue
Berkeley, CA 94705
Tel: (510) 725-4293
Fax: (510) 868-3393

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN
MAINZER; JAMES H. DUVAL, a minor,
by and through JAMES DUVAL, as
Guardian ad Litem; and W. T., a minor, by
and through RUSSELL TAIT, as Guardian
ad Litem; individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a corporation; and
DOES 1-100,

Defendants.

Case No. CV 11-01726 RS

**DECLARATION OF JONATHAN E.
DAVIS IN SUPPORT OF JOINT
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: November 15, 2012

Time: 1:30 p.m.

Courtroom: 3

Judge: Hon. Richard Seeborg

Trial Date: None set

1 I, Jonathan E. Davis, hereby state and declare:

- 2 1. I am an attorney licensed to practice before all the federal and state courts located in
3 the State of California and I am admitted to practice before this Court. I am a
4 partner in The Arns Law Firm, one of the attorneys for Plaintiffs herein. I have
5 personal knowledge of the facts stated in this declaration, and if called upon to
6 testify, could and would competently testify thereto. I make this Declaration in
7 support of the parties' Joint Motion for Preliminary Approval of Class Action
8 Settlement.
9
- 10 2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff's Second
11 Amended Complaint.
12
- 13 3. Attached hereto as Exhibit 2 is a true and correct copy of a Sponsored Story
14 featuring Plaintiff James H. Duval.
- 15 4. Attached hereto as Exhibit 3 is a true and correct copy of a Sponsored Story
16 featuring Plaintiff W.T.
17
- 18 5. Attached hereto as Exhibit 4 is a true and correct copy of Dep. Ex. 345.
- 19 6. Attached hereto as Exhibit 5 is a true and correct copy of Dep. Ex. 672, Facebook's
20 "Sponsored Stories for Marketplace" brochure.
- 21 7. Attached hereto as Exhibit 6 are true and correct copies of excerpts from the
22 transcript of the deposition of Ana Yang Muller.
23
- 24 8. Attached hereto as Exhibit 7 is a true and correct copy of Dep. Ex. 673.
- 25 9. Attached hereto as Exhibit 8 are true and correct copies of excerpts from the
26 transcript of the deposition of Susan Mainzer.
- 27 10. Attached hereto as Exhibit 9 is a true and correct copy of Susan Mainzer's
28

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**DECLARATION OF JONATHAN E. DAVIS IN SUPPORT OF JOINT MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
Case No. CV 11-01726 RS**

Responses to Interrogatory Nos. 8, 11.

11. Attached hereto as Exhibit 10 is a true and correct copy of Facebook's Amended Resp. And Obj. to Plaintiffs' First Set Of Interrogatories, Response to Interrogatory No. 13.

12. Attached hereto as Exhibit 11 is a true and correct copy of Dep. Ex. 566.

13. Attached hereto as Exhibit 12 is a true and correct copy of Facebook's Responses to Interrogatories, Set 2, Nos. 16 and 17.

14. Attached hereto as Exhibit 13 is a true and correct copy of Facebook's Responses to Interrogatories, Set One (Interrogatory Nos. 5, 10, 14).

15. Attached hereto as Exhibit 14 is a true and correct copy of Dep. Ex. 696.

16. Attached hereto as Exhibit 15 is a true and correct copy of W.T.'s Response to Interrogatory Nos. 8, 11.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Statement of Rights and Responsibilities ("SRR") for May 24, 2007—December 21, 2009, Dep. Ex. 66.

18. Attached hereto as Exhibit 17 is a true and correct copy of "Terms of Use"; SRR for December 21, 2009—April 22, 2010, Dep. Ex. 78.

19. Attached hereto as Exhibit 18 is a true and correct copy of the SRR for April 22, 2010—August 25, 2010, Dep. Ex. 81.

20. Attached hereto as Exhibit 19 is a true and correct copy of the SRR for August 25, 2010—October 4, 2010, Dep. Ex. 82.

21. Attached hereto as Exhibit 20 is a true and correct copy of the SRR for October 4, 2010—April 26, 2011, Dep. Ex. 83.

22. Attached hereto as Exhibit 21 is a true and correct copy of SRR for April 26, 2011—

August 25, 2011, Dep. Ex 151.

23. Attached hereto as Exhibit 22 is a true and correct copy of Facebook's Responses to Request for Admissions, Set One (Response Nos. 1.3, 1.6).

24. Attached hereto as Exhibit 23 are true and correct copies of excerpts from the transcript of the deposition of James Squires, Vols. I and II.

25. Attached hereto as Exhibit 24 is a true and correct copy of Dep. Ex. 15.

26. Attached hereto as Exhibit 25 is a true and correct copy of Dep. Ex. 103.

27. Attached hereto as Exhibit 26 is a true and correct copy of Dep. Ex. 109.

28. Attached hereto as Exhibit 27 is a true and correct copy of the Declaration of Vincent Alberico submitted on the Plaintiffs' Motion for Class Certification in this matter.

29. Attached hereto as Exhibit 28 is a true and correct copy of Facebook, Inc.'s Form S-1 Registration Statement, page 44.

30. Attached hereto as Exhibit 29 is a true and correct copy of a printout of www.reputation.com/myreputation showing service pricing information.

31. Attached hereto as Exhibit 30 is Mockup 1, a mockup of the Profile Setting for Minor Users re Parents.

32. Attached hereto as Exhibit 31 is Mockup 2, a mockup of the Activity Log View of Content Featured in Sponsored Stories.

33. Attached hereto as Exhibit 32 is Mockup 3, a mockup for Messaging for New Users.

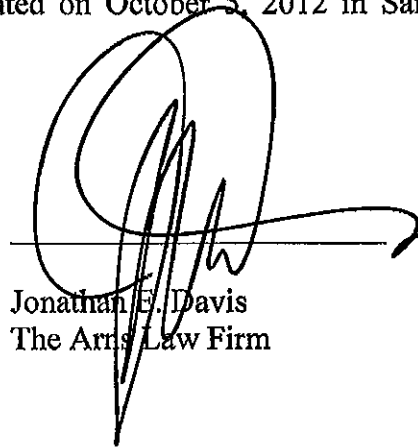
34. Attached hereto as Exhibit 33 is a true and correct copy of James H. Duval's Responses to Interrogatory Nos. 9, 10, and 11.

35. Attached hereto as Exhibit 34 is a true and correct copy of Dep. Ex. 218.

36. Attached hereto as Exhibit 35 is a true and correct copy of Dep. Ex. 8

37. Attached hereto as Exhibit 36 is Mockup 4, a draft design document showing the proposed tool for opting children out of Sponsored Stories.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that if called upon to testify, I could verify the accuracy of the same. This document was executed on October 5, 2012 in San Francisco, California.



Jonathan E. Davis
The Arns Law Firm